

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE JOSEPH AND FLORENCE KADLUBEK
REVOCABLE TRUST,
Plaintiff,

vs.

No. CIV 09-325 JB/RHS

4401 MENAUL, LLC a New Mexico limited
liability company; PRIME PROPERTIES, LLC, a
New Mexico limited liability company;
PETERSON PROPERTIES REAL ESTATE
SERVICES, INC., a New Mexico corporation; John
Doe I and John Doe II,
Defendants,

and

4401 MENAUL, LLC and PETERSON
PROPERTIES REAL ESTATE SERVICES, INC.,
Counterclaimants/Third-Party Plaintiffs,

vs.

THE JOSEPH AND FLORENCE KADLUBEK
REVOCABLE TRUST,
Counter-Defendant,

and

DE WETTER HOVIOUS, INC., a Texas Corporation,
Third-Party Defendant.

STIPULATED AMENDED SCHEDULING ORDER

The termination date for discovery is **April 1, 2010**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only

if response are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motion to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **April 15, 2010**. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6. **Supplementation under Rule 26(e) due 25 days before the end of discovery.**

Pretrial and dispositive motions, other than discovery motions, shall be filed with the Court and served on opposing parties by **April 30, 2010**. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

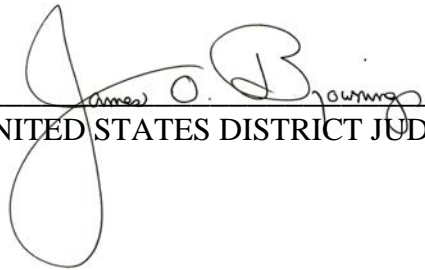
If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiff to Defendant on or before **June 24, 2010**; Defendant to Court on or before **July 1, 2010**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) day prior to the time set for trial. Any exceptions thereto must be upon order of the Court for cause shown.

A motion hearing is scheduled in this matter on **June 11, 2010 at 9:00 a.m.**

This matter is set for Pretrial Conference on **July 2, 2010 9:00 a.m.**

This matter is set for a Bench Trial on a trailing calendar beginning on **July 19, 2010 at 9:00 a.m.** (Albuquerque/Vermejo Courtroom)


UNITED STATES DISTRICT JUDGE

Respectfully submitted,

/s/
Steven S. Scholl
Matthew Hironaka
DIXON, SCHOLL & BAILEY, P.A.
P.O. Box 26746
Albuquerque, New Mexico 87125-6746
(505) 244-3890

APPROVED BY:

APPROVED 1/22/10
Adam E. Lyons, Esq.
Brownstein, Hyatt, Farber & Schreck, LLP
201 Third St NW, Suite 1700,
Albuquerque, NM 87102

APPROVED 1/22/10
Randall L. Thompson, Esq.
Randall L. Thompson, P.C.
1212 Pennsylvania NE
Albuquerque, NM 87110